

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LOCHNER TECHNOLOGIES, LLC

Plaintiff,

V.

**DELL INC.,
HEWLETT PACKARD COMPANY,
FUJITSU COMPUTER SYSTEMS
CORPORATION, and
INTERNATIONAL BUSINESS MACHINES
CORPORATION,**

Defendants.

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Civil Action No. 2:09-cv-177 TJW

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Lochner Technologies, LLC (“Lochner”) brings this action against Defendants Dell Inc. (“Dell”), Hewlett Packard Company (“HP”), Fujitsu Computer Systems Corporation (“Fujitsu”), and International Business Machines Corporation (“IBM”), and for its cause of action alleges:

The Parties

1. Lochner is a limited liability company organized and existing under the laws of the State of California, with a principal place of business at 380 S. Mentor Avenue, No. 4, Pasadena, California 91106.

2. Upon information and belief, Dell is a corporation organized and existing under the laws of the State of Delaware, having its primary place of business at 1 Dell Way, Round Rock, TX 78682-7000, and is doing business in this judicial district and elsewhere. Dell can be served with process by serving its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701.

3. Upon information and belief, HP is a corporation organized and existing under the laws of the State of Delaware, having its primary place of business at 3000 Hanover Street, Palo Alto, CA 94303, and is doing business in this judicial district and elsewhere. HP can be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

4. Upon information and belief, Fujitsu is a corporation organized and existing under the laws of the State of California having its primary place of business at 1250 E. Arques Ave., Sunnyvale, CA, 94085, and is doing business in this judicial district and elsewhere. Fujitsu can be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

5. Upon information and belief, IBM is a corporation organized and existing under the laws of the State of California having its primary place of business at New Orchard Road, Armonk, NY 10504, and is doing business in this judicial district and elsewhere. IBM can be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

Jurisdiction and Venue

6. This action arises under the Patent Laws of the United States, 35 United States Code, particularly § § 271 and 281 and Title 28 United States Code, particularly § 1338 (a).

7. Venue is proper in this Court under 28 United States Code § § 1391(b) and (c) and 1400 (b).

Claim for Patent Infringement

8. On April 25, 2006, United States Patent No. 7,035,598 (“the ‘598 patent”), entitled “Modular Computer System” duly and legally issued to Scott M. Lochner and Meir Bartur. A copy

of the '598 patent is attached as Exhibit A.

9. By assignment, Lochner Technologies, LLC is the owner of the '598 patent. The '598 patent, in general, relates to a modular computer system in which a storage and control unit is connected to an input/output unit via a wireless link.

10. Upon information and belief, Dell markets and sells products such as Dell Virtual Remote Desktop solution, including Dell servers such as XenServer or PVS servers and Dell thin clients such as XenDesktop thin clients. By providing such products, Dell has in the past and continues to infringe directly, contributorily, or by inducement at least claim 1 of the '598 patent.

11. Upon information and belief, HP markets and sells products such as the HP Virtual Desktop Infrastructure, including HP servers such as Proliant or BladeSystem servers and HP thin clients such as Compaq 6720t mobile thin clients. By providing such products, HP has in the past and continues to infringe directly, contributorily, or by inducement at least claim 1 of the '598 patent.

12. Upon information and belief, Fujitsu markets and sells products such as Fujitsu's Virtual Desktop solution including Fujitsu servers such as Primergy servers and Fujitsu thin clients such as Futuro S450 and Futuro S550 thin clients. By providing such products, Fujitsu has in the past and continues to infringe directly, contributorily, or by inducement at least claim 1 of the '598 patent.

13. Upon information and belief, IBM markets and sells products such as IBM's Virtual Client System (VCS) including IBM servers such as HC10 Workstation Blade, System x servers, and Blade Center x68 servers in conjunction with thin clients such as the TC10 thin clients manufactured by Devon IT and the X90Le and X90L mobile thin clients manufactured by Wyse Technology, Inc. By providing such products, IBM has in the past and continues to infringe

directly, contributorily, or by inducement at least claim 1 of the '598 patent.

14. As a result of the Defendants' infringing conduct, the Defendants have damaged Lochner. The Defendants are liable to Lochner in an amount that adequately compensates it for Defendants' infringement which by law can be no less than a reasonable royalty.

Demand for Jury Trial

15. Plaintiff hereby demands a jury trial on all issues triable of right by a jury.

Prayer for Relief

16. Wherefore, Lochner prays for entry of judgment:

- A. That Defendants have infringed one or more claims of U.S. Patent No. 7,035,598;
- B. That Defendants account for and pay to Lochner all damages and costs caused by infringement of U.S. Patent No. 7,035,598;
- C. That Lochner be granted pre-judgment and post judgment interest on the damages caused by reason of Defendants' infringement of U.S. Patent No. 7,035,598;
- D. That Lochner be granted its reasonable attorneys' fees in this action;
- E. That costs be awarded to Lochner.
- F. That Lochner be granted such other and further relief that is just and proper under the circumstances.

Date: June 2, 2009

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